

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAR 30 2009
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

ALEX C. STATON)
On Behalf of himself and)
All Others Similarly Situated,)
Plaintiff,)
v.) Case no.: 4:08CV00273 ERW
CAVO BROADBAND)
COMMUNICATIONS, L.L.C.,)
CAVO COMMUNICATIONS, INC.)
and)
PRINCE TELECOM, INC.,)
Defendants.)

**ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT, ATTORNEY'S FEES & COSTS, AND
ENHANCEMENT PAYMENT TO CLASS REPRESENTATIVE**

Having reviewed the parties' Joint Stipulation of Settlement and Release and the attached exhibits, along with the files and records of this case, and the Plaintiff's *Unopposed Motion of Final Approval of Class Action Settlement, Attorney's Fees & Costs, and Enhancement Payment to Named Plaintiff*, the Court now FINDS and ORDERS AS FOLLOWS:

The Court has reviewed the terms and conditions of the parties' Joint Stipulation of Settlement and Release, including the monetary relief provisions, the plan of allocation, the release of claims, and the parties' detailed description of the

settlement. Based on these papers and the Court's familiarity with this case, the Court FINDS that the proposed settlement is the result of extensive, arms-length negotiations between the parties after Class Counsel and Defendants' counsel had fully investigated the claims and become familiar with the strengths and weaknesses of Plaintiff's claims. The assistance of an experience mediator, John Phillips, Esq., and the length of the mediation process confirms that the settlement is not collusive.

Pursuant to the Court approved notice in this matter provided to all putative class members, a fairness hearing was held before this Court on March 30, 2009 at 1:00 p.m. Pursuant to the Court approved notice, the putative class members were provided an opportunity to file written objections to the Settlement. None were received by the Court. Pursuant to the Court approved notice, the putative class members were provided notice and an opportunity to appear at the fairness hearing regarding this Settlement. No persons appeared at the fairness hearing to contest or challenge the settlement.

Therefore, the Court ORDERS that:

- A. The proposed settlement is FINALLY APPROVED.
- B. Class counsels request for attorney's fees and costs set forth in the amount described in the Settlement agreement, and addressed in Plaintiff's *Unopposed Motion of Final Approval of Class Action Settlement, Attorney's Fees & Costs, and Enhancement Payment to Named Plaintiff*, is hereby APPROVED.
- C. The enhancement payment to the Named Plaintiff Alex Staton as set forth in the amount described in the Settlement agreement, and addressed in Plaintiff's *Unopposed Motion of Final Approval of Class Action Settlement, Attorney's Fees & Costs, and Enhancement Payment to Named Plaintiff*, is hereby APPROVED.

D. The claims asserted by the Named Plaintiff, on behalf of the putative class members as certified by this Court in its prior order, against the Defendants in this matter is hereby DISMISSED WITH PREJUDICE with all parties to bear any respective costs not addressed in the Joint Stipulation of Settlement and Release.

DATED: March 30, 2009

E. Richard Webber
E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE